

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOANN ZABALA,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,  
Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/3/19

19-CV-10922 (PGG) (BCM)

**ORDER OF SERVICE AND  
SCHEDULING ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

The above-referenced action has been referred to Magistrate Judge Moses. All pretrial motions and applications must be made to Judge Moses and in compliance with this Court's Individual Practices in Civil Cases, available on the Court's website at <http://nysd.uscourts.gov/judge/Moses>.

**Order of Service**

1. The Clerk of Court shall notify the U.S. Attorney's Office for the Southern District of New York of the filing of this *pro se* case, brought pursuant to 42 U.S.C. § 405(g), for which the filing fee has been waived.

**Schedule**

2. Pursuant to Standing Order No. 16-MC-00171 dated April 20, 2016 (Standing Order), defendant shall file the electronic certified transcript of the administrative proceedings (e-CAR), which shall constitute defendant's answer, or move against the complaint, no later than 90 days after the date of this Order. **A courtesy copy marked as such must be delivered to chambers by mail, overnight courier, or hand delivery.**

3. If defendant wishes to file a motion for judgment on the pleadings, he shall do so no later than 60 days after the date on which he files the e-CAR. Defendant's motion for

judgment on the pleadings must contain a full recitation of the relevant facts and a full description of the underlying administrative proceedings.

4. Plaintiff shall file and serve her response, which must state any additional or contrary facts deemed necessary to resolve the case, no later than 60 days after defendant's submission of the motion for judgment on the pleadings.

5. Defendant shall file any reply brief no later than 21 days after service of plaintiff's response.

6. The parties are reminded that, under the Standing Order, memoranda filed in support of or in opposition to any dispositive motion shall not exceed 25 pages, and reply memoranda shall not exceed 10 pages. Memoranda exceeding 10 pages must include a table of contents and a table of authorities, neither of which shall count against the page limit. Any party seeking to exceed these page limitations must apply to Judge Moses for leave to do so, with copies to all counsel, no fewer than seven days before the date upon which the memorandum must be filed.

#### **Consent to Magistrate Judge Jurisdiction**

7. The parties are also reminded that they may consent to the plenary jurisdiction of the assigned Magistrate Judge pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. Consent must be unanimous. If both parties wish to so consent, they may complete the form available at <https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge>, and submit that form, signed by both parties (or their attorneys), to the Clerk of Court for approval by the District Judge. Thereafter, the Magistrate Judge assumes the role of the District Judge and issues an Opinion and Order resolving the action, from which any appeal is directly to the Court of Appeals. In many cases, consent to the plenary jurisdiction of the

Magistrate Judge leads to a speedier resolution of the action. However, consent is never required, and may be withheld without adverse consequences.

The Clerk of the Court is respectfully directed to mail a copy of this order to the plaintiff.

Dated: New York, New York  
December 3, 2019

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read 'Barbara Moses', is written over a horizontal line.

**BARBARA MOSES**  
**United States Magistrate Judge**